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No. 256. 4

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1959.

INTERNATIONAL ASSOCIATION OF MACHINISTS et al.
Appellants,

v.

S. B. STREET et al.,
Appellees.

On Appeal from the Supreme Court of Georgia.

BRIEF

For Railroad Company, Appellees, Georgia Southern
and Florida Railway Company, et al.

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BRIEF

**For Railroad Company, Appellees, Georgia Southern
and Florida Railway Company, et al.**

When this case was pending before the Supreme Court of Georgia as *Looper et al. v. Georgia Southern and Florida Railway Company*, as counsel for the railroad company defendants in error (appellees here), we filed a statement in lieu of a brief, as follows:

"The railway companies . . . for which we appeared in the lower court and on behalf of which we make this statement, are the so-called 'railroad defendants' or 'railroad defendants in error.'"

"The court will perceive that the contest here is between the union defendants and the three individual plaintiffs in error who are employees of one of the railway companies named. The defendants in error for whom we appear take no part in that contest. This statement is filed simply because we did not wish

this Court to think that the case was being ignored or overlooked, and is filed to state our position, to wit, that we will abide the judgment of the Court."

That case was decided by the Supreme Court of Georgia June 10, 1957. (213 Ga. 279, 99 S. E. 2d 101.) The judgment of the trial court was reversed. After a trial in the Superior Court of Bibb County, the case again reached the Supreme Court *sub nomine* International Association of Machinists et al. v. S. B. Street et al., No. 20,428.

Thereupon we filed, on March 24, 1959, a statement repeating our statement on the previous appeal, and adding to it these sentences:

"That case was decided by the Court June 10, 1957. (213 Ga. 279.) Judgment was there rendered upon a 'precise question' stated at pages 284-5 of the opinion. Upon the trial of the case pursuant to that judgment, we introduced no evidence with respect to this question. Our position then, as it is now, is just as it was when we filed our previous statement with the court on or about April 4, 1957."

Our position here is just as it was when we filed our statements with the Supreme Court of Georgia. We will abide the judgment of the Court.

Respectfully submitted,

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CHARLES J. BLOCH,

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ELLSWORTH HALL, JR.,

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JOHN B. HARRIS, JR.,
Attorneys for "Railroad Appellants"

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